

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENVILLE**

RANDALL BETHEA, on behalf of himself and all others similarly situated in Tennessee and JAMES PADGETT on behalf of himself and all other non-Tennessee residents,

Plaintiffs,

v.

CHAMPION LABORATORIES, INC.; PUROLATOR FILTERS N.A. L.L.C.; HONEYWELL INTERNATIONAL INC.; WIX FILTRATION CORP.; THE DONALDSON COMPANY; BALDWIN FILTERS INC.; BOSCH USA; MANN + HUMMEL USA, INC.; ARVINMERITOR, INC.; and JOHN DOE DEFENDANTS 1-100,

Defendants.

Case No.: 2:08-cv-00126

**PLAINTIFFS' AND DEFENDANTS' JOINT MOTION FOR ENTRY OF
AGREED ORDER TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO
COMPLAINT AND TO STAY DISCOVERY**

All parties hereby respectfully and jointly move this Court for entry of the attached Agreed Order to Extend Time for Defendants to Respond to Complaint and to Stay Discovery.

The parties agree to the following facts in support of this motion:

1. Plaintiffs Randall Bethea and James Padgett (the "Plaintiffs") have filed the above-captioned case ("Plaintiffs' Action").
2. Plaintiffs allege antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters ("Filters"), including but not limited to defendants Champion Laboratories, Inc., Purolator Filters N.A. L.L.C., Bosch U.S.A., Mann + Hummel

U.S.A., Inc. ArvinMeritor, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Donaldson Company, Inc., and Baldwin Filters, Inc. (the “Defendants”);

3. At least thirty-five complaints have been filed to date in federal district courts throughout the United States by plaintiffs purporting to bring class actions on behalf of direct or indirect purchasers of Filters alleging antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters (collectively, the “Filters Cases”);

4. Four separate motions are pending before the Judicial Panel on Multidistrict Litigation (“Panel”) to transfer the Filters Cases for coordinated and consolidated pretrial proceedings in a single district pursuant to 28 U.S.C. § 1407 (the “MDL Motion”);

5. Plaintiffs anticipate the possibility of a Consolidated Complaint in the Filters Cases after an order on the MDL Motion is issued by the Panel and the Filters Cases are assigned to a transferee court; and

6. Plaintiffs and Defendants have agreed that an orderly schedule for any response to the complaint in Plaintiffs’ Action and any pre-trial discovery would be more efficient for the Parties and for the Court.

WHEREFORE, all parties to this action jointly move this Court to grant this Joint Motion for Entry of Agreed Order to Extend Time for Defendants to Response to Complaint and to Stay Discovery.¹

¹ Pursuant to Rule 6 of the ECF Rules and Procedures for the U.S. District Court for the Eastern District of Tennessee, the Filing User hereby represents that all signatories have consented to the filing of this document.

Dated: June 4, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2008, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and/or by U.S. Mail, including counsel as indicated below.

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**UNITED STATES DISTRICT COURT
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RANDALL BETHEA, on behalf of himself and all others similarly situated in Tennessee and JAMES PADGETT on behalf of himself and all other non-Tennessee residents,

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Defendants.

Case No.: 2:08-cv-00126

**AGREED ORDER TO EXTEND TIME FOR DEFENDANTS
TO RESPOND TO COMPLAINT AND TO STAY DISCOVERY**

This matter came before the Court upon the parties' joint motion to extend the time for Defendants to respond to Plaintiffs' complaint and to stay discovery. Plaintiffs Randall Bethea and James Padgett (the "Plaintiffs") have filed the above-captioned case ("Plaintiffs' Action"), wherein they allege antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters ("Filters"), including but not limited to the defendants Champion Laboratories, Inc., Purolator Filters N.A. L.L.C., Bosch U.S.A., Mann + Hummel U.S.A., Inc., ArvinMeritor, Inc., Honeywell International Inc., Wix Filtration Corp. LLC, Donaldson Company, Inc., and Baldwin Filters, Inc. (the "Defendants").

As set forth in the joint motion, the parties have represented that at least thirty-five complaints have been filed to date in federal district courts throughout the United States by

plaintiffs purporting to bring class actions on behalf of direct or indirect purchasers of Filters alleging antitrust violations by manufacturers, distributors, and sellers of oil, air, fuel and transmission filters (collectively, the “Filters Cases”). The parties have also represented that four motions are pending before the Judicial Panel on Multidistrict Litigation (“Panel”) to transfer the Filters Cases for coordinated and consolidated pretrial proceedings in a single district pursuant to 28 U.S.C. § 1407 (the “MDL Motion”). The Plaintiffs anticipate the possibility of a Consolidated Complaint in the Filters Cases after an order on the MDL Motion is issued by the Panel and the Filters Cases are assigned to a transferee court (the “MDL Order”).

As set forth in the joint motion and herein, the Plaintiffs and Defendants (the “Parties”) have agreed that an orderly schedule for any response to the complaint in Plaintiffs’ Action and any pre-trial discovery would be more efficient for the Parties and for the Court. As evidenced by the signatures of counsel to the parties below and as set forth in the joint motion, it appears to the Court that the parties are in agreement with respect to the terms set forth herein. Under these circumstances, and for good cause shown, the Court finds that the joint motion is well-taken and shall be GRANTED. Accordingly, the Court hereby ORDERS, ADJUDGES and DECREES as follows:

1. The time for Defendants to answer, move, or otherwise respond to the complaint in Plaintiffs’ Action shall be extended until the earliest of the following dates: (1) thirty days after the filing of a Consolidated Complaint in the Filters Cases; or (2) if this case is not transferred to another district pursuant to the MDL Order, thirty days after that Order;

2. The Parties’ obligations pursuant to Local Rule 16.1, Federal Rules of Civil Procedure 16 and 26 and other applicable local and federal rules shall be stayed until (1) this case is transferred pursuant to the MDL Order, in which case it will proceed on the schedule set by the transferee court; or (2), if this case is not transferred to another district pursuant to the

MDL Order, thirty days after Defendants have answered, moved or otherwise responded to the complaint in Plaintiffs' Action; and

3. To conserve party and judicial resources and in light of the proceedings currently pending before the Judicial Panel on Multidistrict Litigation to consolidate and transfer all pending Filters Cases to one Court, this extension and stay is available in all related actions assigned to the undersigned to any defendant that provides written notice to all Plaintiffs of its intention to join this extension and stay, without further stipulation with counsel for Plaintiffs in the related actions.

IT IS SO ORDERED.

Dated: June __, 2008

Judge
United States District Court

APPROVED FOR ENTRY:¹

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